

Hugh R. Koss (*pro hac vice*)
 Paul E. Stinson (*pro hac vice*)
 NIXON PEABODY LLP
 One Embarcadero Center
 San Francisco, CA 94111
 Telephone: (415) 984-8200
 Facsimile: (415) 984-8300

William R. Urga (Nevada State Bar No. 1195)
 Martin A. Little (Nevada State Bar No. 7067)
 JOLLEY URGa WIRTH WOODBURY & STANDISH
 3800 Howard Hughes Parkway
 Wells Fargo Tower, 16th Floor
 Las Vegas, NV 89169
 Telephone: (702) 699-7500
 Facsimile: (702) 699-7555

Attorneys for Defendant HOLOGIC, INC.

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

JOHN FRANCKI; LANCE HEPWORTH; SHANE
 NELSON; and SCOT LONG,

Plaintiffs,

v.

UNITED STATES OF AMERICA; HOLOGIC,
 INC.; RADIATION DETECTION COMPANY;
 and DOES 1-50, inclusive,

Defendants.

Case No. 3:06-cv-00265-LRH-VPC

**STIPULATION TO EXTEND TIME AND
 ALLOW SUPPLEMENTAL BRIEFING
 ON DEFENDANT UNITED STATES'
 MOTION TO DISMISS (First Request)**

[L.R. 6-1 to 6-3.]

COME NOW Plaintiffs JOHN FRANCKI, LANCE HEPWORTH, SHANE NELSON and
 SCOT LONG (collectively "Plaintiffs"), Defendant HOLOGIC, INC. ("Hologic"), Defendant
 RADIATION DETECTION COMPANY ("RDC"), and Defendant United States of America
 ("USA") and, pursuant to Local Rules 6-1 to 6-3, hereby stipulate to and jointly request an extension
 of time for and allowance of supplemental briefing regarding USA's Motion To Dismiss, as follows:

1 1. On **March 19, 2007**, Defendant USA filed its “factual” Rule12(b)(1) Motion To
2 Dismiss [Docket No. 63], alleging that it is immune from suit under certain provisions of the Nevada
3 Industrial Insurance Act and that, therefore, this Court lacks subject matter jurisdiction over
4 Plaintiffs’ causes of action against it.

5 2. Plaintiffs and defendants Hologic and RDC opposed the motion, contending, *inter*
6 *alia*, that the parties had not had an opportunity to take discovery on the factual, jurisdictional issues
7 raised by the USA.

8 3. On March 30, 2007, the USA filed its Motion To Stay Discovery pending resolution
9 of its Motion To Dismiss.

10 4. Plaintiffs and defendants Hologic and RDC also opposed the Motion To Stay.

11 5. On April 26, 2007, the USA filed its Unopposed Motion To Extend Time To File
12 Reply In Support Of Motion To Dismiss And To Exceed Reply Page Limit. [Docket No. 78.] The
13 Court granted that motion on May 2, 2007. [Docket No. 82.] Accordingly, the USA’s Reply in
14 support of its Motion To Dismiss is currently due **May 11, 2007**.

15 6. On May 2, 2007, the Court denied the USA’s Motion To Stay. [Docket No. 81.] In
16 this same Order the Court instructed that: “With respect to any discovery the parties contemplate they
17 ought to conduct as it relates to the motion to dismiss, they shall file the appropriate motion for
18 consideration by the District Court. The Court advises the parties to request expedited briefing in
19 accordance with the Local Rules of Practice for the District of Nevada.” [*Id.* at 2.] The Court further
20 advised that the parties should file the appropriate motion no later than May 21, 2007. [*Id.*]

21 7. Thereafter the parties met and conferred in good faith and, in the interest of complying
22 with the Court’s Order and in minimizing both the Court’s and the parties’ expenditures of time and
23 resources, stipulated to extend the time for and to allow supplemental briefing on the jurisdictional
24 issues raised by the USA’s Motion To Dismiss, subject to this Court’s authorization.

25 8. Accordingly, in light of the jurisdictional discovery to be undertaken, the geographic
26 and time limitations on the potential military and other government witnesses, and the schedules of
27 counsel, the parties request the following:
28

- That the current deadline of May 11, 2007 for the USA's Reply re its Motion To Dismiss be vacated;
- That the parties endeavor to complete jurisdictional discovery by the beginning of August, 2007;
- That Plaintiffs, Hologic, and RDC be allowed to file supplements to their Oppositions to the Motion To Dismiss, such supplements not to exceed 20 pages in length, exclusive of declarations, exhibits and attachments;
- That such supplemental opposition papers shall be due **August 10, 2007**;
- That the USA thereafter be allowed to file its Reply to the parties' Oppositions by **August 31, 2007**, which Reply may exceed the page limit set forth in this Court's Local Rules, as stipulated by the parties in Docket No. 82.

IT IS SO STIPULATED:

Dated: May 9, 2007

NIXON PEABODY LLP

By: 

Hugh R. Koss (*pro hac vice*)
Paul E. Stinson (*pro hac vice*)
One Embarcadero Center
San Francisco, CA 94111
Telephone: (415) 984-8200
Facsimile: (415) 984-8300

- and -

William R. Urga (NV State Bar No. 1195)
Martin A. Little (NV State Bar No. 7067)
JOLLEY URGA WIRTH WOODBURY &
STANDISH
3800 Howard Hughes Parkway
Wells Fargo Tower, 16th Floor
Las Vegas, NV 89169
Telephone: (702) 699-7500
Facsimile: (702) 699-7555

Attorneys for Defendant HOLOGIC, INC.

1 Dated: May 9, 2007

The Veen Firm, P.C.

2
3 By: 

4 Myles B. Cooper (*pro hac vice*)
5 Anthony L. Label (*pro hac vice*)
6 711 Van Ness Avenue, Suite 220
7 San Francisco, CA 94102
8 Telephone: (415) 673-4800
9 Facsimile: (415) 771-5845

10 Attorneys for Plaintiffs

11 Dated: May ___, 2007

Erickson, Thorpe & Swainston, Ltd.

12 By: _____

13 William G. Cobb (NV State Bar No. 1250)
14 99 West Arroyo Street
15 Post Office Box 3559
16 Reno, NV 89505
17 Telephone: (775) 786-3930
18 Facsimile: (775) 786-4160

19 Attorneys for Defendant RADIATION
20 DETECTION COMPANY

21 Dated: May ___, 2007

STEVEN W. MYHRE

22 Acting United States Attorney, District of
23 Nevada

24 By: _____

25 Blaine T. Welsh (NV State Bar No. 4790)
26 Assistant United States Attorney
27 333 Las Vegas Blvd. So. # 5000
28 Las Vegas, NV 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6787

Attorneys for Defendant UNITED STATES
OF AMERICA

1 Dated: May ___, 2007

The Veen Firm, P.C.

3 By: _____

4 Miles B. Cooper (*pro hac vice*)
5 Anthony L. Label (*pro hac vice*)
6 711 Van Ness Avenue, Suite 220
7 San Francisco, CA 94102
8 Telephone: (415) 673-4800
9 Facsimile: (415) 771-5845

Attorneys for Plaintiffs

9 Dated: May 9, 2007

Erickson, Thorpe & Swainston, Ltd.

11 By: William G. Cobb

12 William G. Cobb (NV State Bar No. 1250)
13 99 West Arroyo Street
14 Post Office Box 3559
15 Reno, NV 89505
16 Telephone: (775) 786-3930
17 Facsimile: (775) 786-4160

Attorneys for Defendant RADIATION
DETECTION COMPANY

18 Dated: May ___, 2007

STEVEN W. MYHRE

Acting United States Attorney, District of
Nevada

21 By: _____

22 Blaine T. Welsh (NV State Bar No. 4790)
23 Assistant United States Attorney
24 333 Las Vegas Blvd. So. # 5000
25 Las Vegas, NV 89101
26 Telephone: (702) 388-6336
27 Facsimile: (702) 388-6787

Attorneys for Defendant UNITED STATES
OF AMERICA

1 Dated: May ___, 2007

The Veen Firm, P.C.

2
3 By: _____

4 Miles B. Cooper (*pro hac vice*)
5 Anthony L. Label (*pro hac vice*)
6 711 Van Ness Avenue, Suite 220
7 San Francisco, CA 94102
8 Telephone: (415) 673-4800
9 Facsimile: (415) 771-5845

10 Attorneys for Plaintiffs

11 Dated: May ___, 2007

Erickson, Thorpe & Swainston, Ltd.

12 By: _____

13 William G. Cobb (NV State Bar No. 1250)
14 99 West Arroyo Street
15 Post Office Box 3559
16 Reno, NV 89505
17 Telephone: (775) 786-3930
18 Facsimile: (775) 786-4160

19 Attorneys for Defendant RADIATION
20 DETECTION COMPANY

21 Dated: May 9th, 2007

STEVEN W. MYHRE

22 Acting United States Attorney, District of
23 Nevada

24 By:  _____

25 Blaine T. Welsh (NV State Bar No. 4790)
26 Assistant United States Attorney
27 333 Las Vegas Blvd. So. # 5000
28 Las Vegas, NV 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6787

Attorneys for Defendant UNITED STATES
OF AMERICA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED



HON. LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

Dated: May 14, 2007